



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, April 11, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1606544287>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 654 4287**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of February 14 (regular), February 21 (special), February 27 (closed and special), February 28 (special and regular), March 13 (closed), March 14 (special and regular), March 20 (special) and March 21 (special and regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 11, 2023

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: General Fund - \$120,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

3. Contract No. 31900273 Amendment: Bay Area Community Services North County Housing Resource Center

From: City Manager

Recommendation: Adopt a Resolution amending Contract No. 31900273 with Bay Area Community Services (BACS) North County Housing Resource Center (HRC) by increasing the not to exceed amount (NTE) by \$80,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$11,410,274 to \$11,490,274.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 4. Contract: JSI Research & Training Institute, Inc. for Community Health Assessment, Innovation, and Improvement Plan Consultant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with JSI Research & Training Institute, Inc. to serve as a Community Health Assessment, Innovation, and Improvement Plan consultant for the City of Berkeley's Health, Housing, and Community Services (HHCS) Department from May 1, 2023 to May 1, 2025 in an amount not to exceed \$249,413.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 5. Contract: Easy Does It for Provision of Wheelchair Van Service for Seniors & the Disabled**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or her designee, to execute a contract and any amendments with Easy Does It in the amount of \$175,000 for the period of July 1, 2023 through June 30, 2026 for the provision of accessible wheelchair van services to clients of the Aging Services Division's Berkeley Rides for Seniors & the Disabled program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 6. Contract No. 32100126 Amendment: Anjanette Scott LLC for Housing Consultant Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100126 with Anjanette Scott LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$150,000, with a contract end date of June 30, 2024.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 7. Contract No. 32000224 Amendment: GovtInvest Labor Costing, Pension & OPEB Analysis Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000224 with GovtInvest for a labor costing, pension and OPEB (Other Post-Employment Benefits) analysis software system, increasing the amount of the contract by \$150,000 to cover 3 years of subscription access to this service for a revised total contract amount not to exceed \$200,000.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

- 8. Side Letter of Agreement – Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute and implement a Side Letter of Agreement with Service Employees International Union, Local 1021 Community Services & Part-Time Recreation Leaders Association (PTRLA) to modify Section 15.6 of the Memorandum of Agreement regarding Hazardous Substance Special Assignment Pay. Effective July 7, 2022, employees who are regularly assigned to perform services in unhoused settings throughout the service area shall receive a three percent (3%) salary differential to their base pay for all actual hours worked in the field and performing duties in unhoused settings. This Resolution follows Council consideration of this item in Closed Session on December 12, 2022.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 9. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. for Additional Website Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$105,000 and a total contract value not-to-exceed \$674,300 from March 1, 2019 to June 30, 2025.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 10. Donation: Memorial Bench at the Berkeley Marina in memory of Sophia Pritzos**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Sophia Pritzos.
Financial Implications: \$3,400 (Donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 11. Lease Amendment: Cazadero Performing Arts Camp (CPAC), 5385 Cazadero Hwy, Cazadero, CA 95421**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to a lease agreement with Cazadero Performing Arts Camp (CPAC), at 5385 Cazadero Hwy, Cazadero, CA 95421, for City to disburse up to \$400,000 to tenant to implement capital improvements to satisfy City's obligations under the lease.
Financial Implications: Measure T1 Fund - \$400,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 12. Contract: Power Engineering Construction for the Selective Timber Pile Replacement Project at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Berkeley Marina Selective Pile Replacement Project (Bid Specification No. 23-11567-C); and 2. Accepting the bid of Power Engineering Construction as the lowest responsive and responsible bidder on the Project; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Power Engineering Construction, for the Berkeley Selective Piling Replacement Project, in an amount not to exceed \$3,175,000, which includes a contract amount consisting of base bid plus allowance of \$2,710,690 and a 17.13% contingency in the amount of \$464,310.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Contract No. 10785 Amendment: West Coast Arborist, Inc for Tree Removal and Pruning Service**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10785 with West Coast Arborist, Inc. for tree removal and pruning service by increasing the contract amount by \$100,000 for a not-to-exceed amount of \$1,290,000.
Financial Implications: 2023 Parks Tax Fund - \$1,290,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Accept Grant Funding From the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or designee, to accept the Board of State and Community Corrections (BSCC) Officer Wellness and Mental Health Grant Award. The total funding awarded to the Berkeley Police Department is \$106,014 for the period July 1, 2022, to December 1, 2025. Funds for the grant will be used to enhance officer wellness and resilience by providing mental health resources.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 15. Support March 21, 2023 Day of Action Urging Banks to Divest from Fossil Fuel Businesses**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution that the City of Berkeley Council support the Tuesday March 21, 2023 nation-wide day of action to tell banks to divest from fossil fuel projects, and encourages Berkeley's residents to support and participate in local actions on that date.
Financial Implications: None
Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Consent Calendar

16a. Allocation of \$3 Million Over Two Years, FY 2024 and FY 2025, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).

(Reviewed by the Budget and Finance Policy Committee)

From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Adopt a Resolution allocating \$3 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$3 million will be distributed in two installments of \$1.5 million per year for FY24 and FY25. In each of these years, the funds will be distributed as follows: a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants. c. Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE Commission funding program as well as pay certain City of Berkeley Finance Department costs related to the sugary drink tax.

Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

Financial Implications: See report

Contact: Roberto Terrones, Commission Secretary, (510) 981-5400

Consent Calendar

16b. Companion Report: Allocation of \$3 Million Over Two Years, FY24 and FY25, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs). *(Reviewed by the Budget and Finance Policy Committee)*

From: City Manager

Recommendation: Adopt a Resolution allocating \$2 million from the General Fund in FY24 (July 1, 2023 through June 30, 2024) and FY25 (July 1, 2024 through June 30, 2025) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$2 million will be distributed in two installments of \$1 million per year for FY24 and FY25. The funds will be distributed as follows: a. Direct the City Manager to award up to \$712,000 of the allocated funds to Berkeley Unified School District (BUSD) for the period, July 1, 2023 to June 30, 2025 through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for the general community-based organization funding process and shall be guided by the SSBPPE Commission's Criteria for BUSD Funding. b. Direct the City Manager to award at least \$712,000 of the allocated funds for the period, July 1, 2023 to June 30, 2025 through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The community-based organization funding RFP process is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Criteria for Community Agency Grants. c. For the period, July 1, 2023 to June 30, 2025, direct the City Manager to allocate \$125,000 to fund Finance Department costs for staffing and MuniServices fees and \$451,000 to HHCS/PHD for staffing, operating and consulting costs to coordinate and monitor the grant process, manage resulting contracts awarded, support activities aligned with the goal of the sugary beverage tax, including the Healthy Retail Checkout ordinance, and provide an annual presentation to the SSBPPE Commission that includes process and outcome data and updates on Finance Department fees related to the sugary drink tax for the SSBPPE Commission to inform the development of the Commission's annual report. d. Carryover any sugary drink tax revenue received in excess of \$2 million during FY24 and FY25 to be awarded for related services in FY25 – FY27.

Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to approve staff's recommendation, with an additional amount of \$35,590 in FY24 and FY25, and any additional revenues beyond the projected amounts being prioritized for grants.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Council Consent Items

- 17. Support AB 40 – Improving Ambulance Patient Offload Times**
From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of AB 40 (Rodriguez), which develops a 20-minute statewide standard for ambulance patient offload times. Send a copy of the Resolution to Assemblymembers Freddie Rodriguez and Buffy Wicks, State Senator Nancy Skinner, and Governor Gavin Newsom.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 18. Resolution to Support AB 1001**
From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Assembly Bill 1001, introduced by Assembly Member Matt Haney, and send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assembly Members Matt Haney and Buffy Wicks.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 19. Establishment of Fred Ross Memorial Bench in Cesar Chavez Park**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution directing the City Manager to work with the family of the late Fred Ross Jr. to dedicate a memorial bench at the west facing edge of Cesar Chavez Park in his honor. The family of Fred Ross Jr. shall be responsible for the cost of the bench and shall be engaged in determining the location of the bench.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 20. Support for AB 1690 (Universal health care coverage)**
From: Councilmember Taplin (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Ash Kalra (D-San Jose) in support of AB 1690 (Universal health care coverage).
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 21. Support for AB 362 (Land value taxation study)**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Alex Lee (D-San Jose) in support of AB 362 (Land value taxation study).
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

- 22. Referral to the June 2023 Budget Process to Increase Capacity for Berkeley Community Media**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer \$54,000 to the June, 2023 budget Process to increase personnel funding for Berkeley Community Media (BCM), advancing two current part time employees to full time.
Financial Implications: \$54,000
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 23. Referral to the June 2023 Budget Process for Funding Harold Way Placemaking Project Schematic Design**
From: Councilmember Harrison (Author)
Recommendation: Refer \$100,000 to the June 2023 Budget Process to fund Harold Way Placemaking Project Schematic Design.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 24. Referral to the June 2023 Budget Process as a sole source procurement contract for Two Full-Time Social Workers for Social Justice Collaborative**
From: Councilmember Harrison (Author)
Recommendation: Refer \$147,000 to the June 2023 Budget Process as a sole source procurement contract for annual staffing costs associated with funding two social workers to provide low-income immigrants, asylum seekers, unaccompanied children, young dreamers, and displaced families with direct legal services and legal representation.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 25. Referral \$100,000 to the June, 2023 Budget Process to Design a Comprehensive Berkeley Police Early Intervention and Risk Management System**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer \$100,000 to the June, 2023 Budget Process to enter into a contract to design and assist with implementing a comprehensive Berkeley Police Department Early Intervention and Risk Management System to provide necessary data and help in implementing fair and impartial policing policies and public safety reimagining.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Council Consent Items

26. **Referring \$579,000 to the June 2023 Budget Process for Staffing Costs Associated with Acquisition of and Prevention of Displacement from Multi-Family Housing**
From: Councilmember Harrison (Author)
Recommendation: Refer \$579,000 to the June 2023 Budget Process for annual City staffing costs and for allied non-profits to implement and administer programs associated with acquisition and prevention of displacement from multi-family housing including the Small Sites Program, investments related to the Empty Homes Tax, and administrative implementation of the proposed Berkeley Community and Tenant and Opportunity to Purchase Act (COPA/TOPA).
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
27. **Relinquishment of Council Office Budget Funds to Grant Downtown Berkeley Association (DBA) \$500 for 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose.**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure to grant Downtown Berkeley Association (DBA) \$500 for the 2274 Shattuck Avenue Mural Project serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
28. **Resolution in Support of AB 641: Automobile dismantlers: catalytic converters**
From: Councilmember Harrison (Author)
Recommendation: Adopt resolution in support of AB 641, Automobile dismantlers: catalytic converters, amending Section 220 of the Vehicle Code to revise and expand the definition of "automobile dismantler" to include individuals illegally in possession of two or more catalytic converters.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
29. **Proclaiming May as Jewish American Heritage Month**
From: Councilmember Hahn (Author), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt a resolution proclaiming May as Jewish American Heritage Month.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

30. Kala Art Institute 2023 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor)

Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$250 from Councilmember Hahn and \$500 from Councilmember Taplin, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2023, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budgets of Councilmembers Hahn and Taplin, and from any other Councilmembers who would like to contribute.

Financial Implications: Councilmembers' Discretionary Funds - \$500

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

31. **Budget Referral: Funds to Study Berkeley's Affordable and Social Housing Needs and Programmatic and Funding Opportunities**

From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Refer \$250,000 to the June 2023 budget process to study and report to Council on: 1. The need for Affordable Housing in Berkeley to: a. Rehouse Berkeley's unhoused residents. b. Meet the housing needs of very low-, low- and moderate-income Berkeley residents, from less than 30% to 120% of Area Median Income (AMI). c. Significantly increase cooperative, land trust, and other Social Housing, including innovative social housing models that provide significant moderate-income housing opportunities. d. Meet the needs of low-income artists, seniors, individuals with disabilities, and other populations with unique needs. e. Potentially increase Affordable Housing, up to 100%, at North Berkeley and Ashby Bart Stations. f. Meet the City's Housing Element Affordable Housing production requirements of 5,270 units from 30%-120% AMI in a timely manner, prior to the end of the current RHNA cycle in 2031. 2. Existing and potential new programs to increase homeownership for low-income and first-time homebuyers. 3. Needs/programs to accelerate the City's Small Sites Program. 4. Existing and upcoming funds available at the local, County, Regional, State, and Federal levels to support Berkeley in meeting its Affordable and Social Housing needs and requirements. 5. Berkeley-specific funds required to meet Affordable and Social Housing needs and to produce Berkeley's RHNA-required Affordable Housing, including funds to build capacity at Land Trusts and other organizations to deliver Cooperative and Social Housing. 6. Existing sources and amounts of Funding available to meet Berkeley's Affordable and Social Housing needs and requirements. 7. Potential Bonds or other measures to secure necessary Affordable and Social Housing funds including a potential measure or measures on the November 2024 ballot, based on the success of 2018 Measure O. 8. Added costs of delaying the preservation and construction of Affordable Housing, including potential increased costs for land, financing, and construction, and the yearly/per-individual cost of providing services to Berkeley's unhoused residents. 9. Consequences of failure to meet RHNA Affordable Housing allocations in a timely manner. 10. Potential re-authorization of Measure P in November of 2024 as a permanent measure, to extend additional funding available to support rehousing the homeless. 11. Any other information related to Affordable and Social Housing in Berkeley to help inform residents and the City Council of the need for additional Affordable Housing and Affordable Housing programs and funds, and funds to rehouse the homeless. Study to be delivered to the City Council no later than December 1, 2023 and to include a plan for Berkeley to meet its Affordable and Social Housing needs and requirements and recommendations for additional funds, programs, and other measures to meet needs over the next decade.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Council Consent Items

- 32. Budget Referral: \$30,000 for Yield Signs at Two Unmarked Intersections**
From: Councilmember Wengraf (Author)
Recommendation: In support of the City's Pedestrian Plan with a vision that, "Berkeley is a model walkable city where traveling on foot or with an assistive device is safe, comfortable, and convenient for people of all races, ethnicities, incomes, ages, and abilities," refer to the Fiscal Year 2024 Budget Process an allocation of \$30,000 to install "YIELD" signs at two unmarked intersections at Shasta and Queens and Quail and Queens.
Financial Implications: \$30,000
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 33. Budget Referral: \$150,000 for Handrails, Lights and Signage for City Pedestrian Path Network**
From: Councilmember Wengraf (Author), Councilmember Hahn (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: In support of the City's goals as stated in the "General Plan," "Local Hazard Mitigation Plan," "Pedestrian Plan," and "Community Wildfire Protection Plan", refer to the Fiscal Year 2024 Budget Process an allocation of \$150,000 for the installation of lighting, handrails and signage on paths deemed most critical for safe evacuation throughout Berkeley.
Financial Implications: \$150,000
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 34. Approval of the Public Bank East Bay Viability Study** *(Reviewed by the Budget & Finance Committee)*
From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)
Recommendation: Refer to the Budget & Finance Policy Subcommittee to review and discuss the Public Bank East Bay Viability Study and consider the following recommendations for the full Council: (1) Adopt a resolution formally adopting the viability study; (2) Adopt a resolution of intention to form the Public Bank East Bay alongside Oakland & Richmond; (3) Refer to the City Manager to coordinate with the Friends of the Public Bank of the East Bay and the staff of the cities of Oakland and Richmond on the development of a business plan for the Public Bank of the East Bay, or designate the appropriate staff to do so; (4) Refer to the City Manager to engage an independent consultant with expertise in banking operations and financing to advise city staff as they coordinate with the Friends of the Public Bank East Bay and participating jurisdictions in the production of a business plan for a public bank
Policy Committee Recommendation: To send the item to Council with a positive recommendation.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

- 35. Budget Referral: Fully fund the City's 50-50 Sidewalk Repair Program**
From: Councilmember Humbert (Author), Councilmember Robinson (Co-Sponsor)
Recommendation: Refer \$2.2 million to the FY 24 Mid-Biennial Budget Update for the purpose of fully funding clearance of the existing backlog in Berkeley's 50-50 Sidewalk Repair Program. Refer an additional \$1 million per year (above the existing \$1 million baseline funding for sidewalk repair) to future budget processes to ensure all of Berkeley's sidewalks are kept in a state of good repair.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Old Business

- 36. Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code to Establish a Labor Peace Policy Minimizing Labor/Management Conflict in Berkeley Marina Zone (Continued from March 21, 2023) (Item Contains Revised Material)**
From: Councilmember Harrison (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt Ordinance Adding Chapter 2.102 to the Berkeley Municipal Code (BMC) to Establish a Labor Peace Policy minimizing labor/management conflict in Berkeley Marina Zone.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar – New Business

37. **Unfunded Liability Obligations and Unfunded Infrastructure Needs**

From: City Manager

Recommendation: That the City Council takes the following actions:

1. Accept the Unfunded Liability Obligations and Unfunded Infrastructure Needs report;
2. Receive a presentation on Pensions and Other-Post Employment Benefits tonight and provide staff with direction;
3. Schedule for either the April 25, 2023 City Council Meeting or at a later date to be determined a presentation and discussion on Unfunded Infrastructure Needs.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

38a. **Recommendation for RV Lot and Waste Management on Streets for RVs**

From: Homeless Services Panel of Experts

Recommendation: The Homeless Services Panel of Experts recommends to Council that they refer to staff to expedite all efforts to identify a location for another RV lot(s) to take the place of the now closed SPARK lot at 742 Grayson and that the new lot identified require mandatory safety inspections and fire extinguishers to be provided. The Homeless Services Panel of Experts further recommends that Council refer to staff to develop a waste management plan to be implemented for RVs currently on the streets.

Financial Implications: See report

Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

38b. **Companion Report to Recommendation for RV Lot and Waste Management on Streets for RVs**

From: City Manager

Recommendation: Refer the Homeless Services Panel of Experts' recommendation to identify and expedite a new safe RV parking location/program and develop a waste management plan for RVs on the streets to the Budget and Finance Policy Committee for consideration alongside all other homeless services priorities in the budget process.

Financial Implications: See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

39a. **Referral of two health educator positions to the COB FY 2024 budget process**

From: Peace and Justice Commission

Recommendation: Refer to the budget process a request for estimated \$150,000 annually, beginning in FY 2024 or as early as the AAO #2 process in spring 2023, for staffing, materials, and supplies to be able to more broadly and flexibly conduct health education, prevention, and outreach to reduce health disparities, as proposed by the Peace and Justice Commission.

Financial Implications: See report

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Action Calendar – New Business

39b. Companion Report: Referral of two health educator positions to the COB FY 2024 budget process

From: City Manager

Recommendation: Refer to the Peace and Justice Commission's request for \$150,000 annually for staffing, materials, and supplies for health education and outreach to the Budget and Finance Policy Committee for further deliberation.

Financial Implications: None

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Information Reports

40. Environment and Climate Commission 2023 Work Plan

From: Environment and Climate Commission

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at

<https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 30, 2023.***

A handwritten signature in black ink, appearing to read 'Mark Numainville', written in a cursive style.

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Unhoused Attacking Community Members**

1. Diana Lui, Creative Director, Asha Tea House
2. Sergeant Kevin Kleepe, Community Service Bureau, Special Response Team with City of Berkeley Police Department (2)
3. Anna Weinstein

### **BART Development**

4. Tom Athanasiou
5. Netsy Firestein
6. Stephanie Roth

7. Gerry Tierney
8. Greg Castillo
9. Matthew Wadlund
10. Pablo Diza-Gutierrez
11. Julie Goldobin
12. Lee Bishop
13. Andrea Horbinski
14. Teresa Clarke

#### **Golden Bear Housing**

15. Peter Radu, Manager of Neighborhood Service
16. Becca Sullivan

#### **Aquatic Park Fish Die-Off**

17. Melinda Howard-Herrarte, on behalf of Northern Alameda County Group

#### **Gender Based Domestic Violence**

18. Cameron Johnson, on behalf of Homeless Services Panel of Experts

#### **Recycling**

19. David Lerman (2)
20. Heather Kay

#### **Fire Evacuation & Emergency Service Routes**

21. Margot Smith, on behalf of Commission on Aging

#### **CDC Maternal Mortality Rates 2021**

22. Carole Marasovic

#### **Chipper Postcard Mailer**

23. David Sprague, Interim Fire Chief

#### **Creating Quiet Zones**

24. Amir Gholi

#### **Add Domestic Violence Department Back to Berkeley Police Department**

25. Mee345@ (2)

#### **Public Comment at Council Meetings**

26. Vivian Warkentin

#### **Support Hybrid Meetings**

27. Ardys D.

#### **Garbage Rates**

28. Marilyn Kwock

- 29. Donna Hemmila
- 30. Robert Lauriston
- 31. Pamela Michaud
- 32. Eric Friedman

#### **Fixed Video Surveillance Cameras**

- 33. Hansel Alejandro Aguilar, Director of Police Accountability
- 34. Jen Louis, Interim Police Chief

#### **Senior Centers**

- 35. Eileen Hughes
- 36. Wendy Alfsen
- 37. Jamal Williams

#### **Offer to Present Center Street Greenway**

- 38. Kirstin Miller, on behalf of Ecocity Builders

#### **Harriet Tubman Apartments**

- 39. Moni Law
- 40. Christoverre Kohler

#### **Support for Ebike Rebate & Bike Storage**

- 41. Tom Lent and Liza Lutzker, on behalf of Walk Bike Berkeley

#### **Regulate Pesticides**

- 42. Maya Cohen

#### **Ohlone Greenway at North Berkeley BART**

- 43. Charles Siegel

#### **Golden Gate Fields/Horses**

- 44. Angie Bushby
- 45. Melissa Mangini
- 46. Nancy Veerhusen
- 47. Marisa Menedez
- 48. Dale A
- 49. Jennifer Milliken

#### **Residential Vacancy Rates**

- 50. Gregory Kalkanis

#### **Keep Innovations in Berkeley Initiative**

- 51. Wesly Jackson, on behalf of Valitor

#### **Banning the Retail Sale of Animals**

- 52. Laura Ide

**People's Park Anniversary Needs Porta-Potties**

53. Hali Hammer

**Shattuck Avenue Building Heights**

54. Larisa Cummings

**Berkeley Municipal Code 7.72**

55. Narelia

**Fraudulent Sale of 1590 Oregon to Avoid Taxes**

56. George Wolff

**Tibetan National Flag Raising Ceremony**

57. Jinpa Tharchin, on behalf of Tibetan Association of Northern California

**Berkeley's Mansion Tax**

58. Fred Dodsworth

**American For Responsible Technology**

59. Vivian Warkentin

**Restore and Daylight Strawberry Creek**

60. Pamela Drake

**Trash Pickup at Sweet Green Restaurant**

61. Chris Cook

**Proclamation for 100 Years of Age Berkeley Resident**

62. Berkeley's Mayor Office

**Storm Situation Update for March 27 to March 28, 2023**

63. Dee Williams-Ridley, City Manager

**URL's Only**

64. Vivian Warkentin (4)

65. Fred Dodsworth

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.